

SUPPORTING THE GOALS OF WORLD INTELLECTUAL PROPERTY DAY, AND
RECOGNIZING THE IMPORTANCE OF INTELLECTUAL PROPERTY IN THE
UNITED STATES AND WORLDWIDE

APRIL 26, 2005.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H. Res. 210]

[Including Committee Cost Estimate]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 210) supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	2
Vote of the Committee	2
Committee Oversight Findings	2
New Budget Authority and Tax Expenditures	2
Committee Cost Estimate	2
Performance Goals and Objectives	2
Constitutional Authority Statement	3
Section-by-Section Analysis and Discussion	3
Changes in Existing Law Made by the Bill, as Reported	3
Markup Transcript	3

PURPOSE AND SUMMARY

The purpose of H. Res. 210 is to congratulate the World Intellectual Property Organization (“WIPO”) for its work and to support the goals of “World Intellectual Property Day,” which include teaching the importance of intellectual property as a tool for economic, social, and cultural development.

BACKGROUND AND NEED FOR THE LEGISLATION

WIPO is considered the most important international organization for the promotion of intellectual property. Among other responsibilities, WIPO administers those treaties, such as the Berne and Paris conventions, that protect intellectual property globally. The United States is a WIPO member.

Five years ago, WIPO member-states commemorated the founding of the organization by establishing “World Intellectual Property Day.” April 26, 1970, is the date on which the convention that created WIPO took effect. H. Res. 210 therefore commemorates the achievements of WIPO and its designation of April 26, 2005, as “World Intellectual Property Day” for the current year. The United States is the world-leader in the development and export of intellectual property.

HEARINGS

No hearings were held on H. Res. 210.

COMMITTEE CONSIDERATION

On April 20, 2005, the Committee met in open session and ordered favorably reported the bill H. Res. 210 by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the rules of the House of Representatives, the Committee notes that there were no recorded votes during consideration of H. Res. 210.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives, the Committee believes that the bill will generate no cost for the current fiscal year 2005, and that the cost incurred in carrying out H. Res. 210 would be \$0 for the next five fiscal years.

PERFORMANCE GOALS AND OBJECTIVES

H. Res. 210 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable. H. Res. 210 congratulates the World Intellectual Property

Organization (“WIPO”) for its work and expresses House support for the goals of “World Intellectual Property Day,” which include teaching the importance of intellectual property as a tool for economic, social, and cultural development.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8, clause 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The resolution is not divided into sections. Rather, it contains nine prefatory clauses that highlight the importance of intellectual property to the U.S. balance of trade, economy, and cultural development. These clauses also note that April 26, 1970, is the date on which the Convention establishing WIPO took effect; and that the organization has designated April 26, 2005, as “World Intellectual Property Day.”

The prefatory clauses are followed by a series of resolutions in which the House of Representatives supports the goals of World Intellectual Property Day; applauds the ongoing contributions of human creativity and intellectual property to growth and innovation; and recognizes that protecting intellectual property is critical to U.S. economic well-being.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, the Committee notes that H. Res. 210 makes no changes to existing law.

MARKUP TRANSCRIPT

BUSINESS MEETING **WEDNESDAY, APRIL 20, 2005**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

Pursuant to notice I call up House Resolution 210, supporting the goals of the World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide for purposes of markup, and move its favorable recommendation to the House. Without objection, the resolution will be considered as read and open for amendment at any point.

[The resolution, H. Res. 210, follows:]

IV

109TH CONGRESS
1ST SESSION

H. RES. 210

Supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. WEXLER (for himself, Mr. SMITH of Texas, Mr. BERMAN, Mr. FEENEY, Mr. SMITH of Washington, and Mrs. BONO) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide.

Whereas intellectual property is the backbone of our Nation's economic competitiveness and the only sector where the United States has a trade surplus with every nation in the world;

Whereas all nations can use the intellectual property system to achieve economic growth and cultural development;

Whereas intellectual property plays an important role in an increasingly broad range of areas, ranging from the Internet to health care to nearly all aspects of science and technology and literature and the arts, and understanding the role of intellectual property in these areas—

many of them still emerging—often requires significant new research and study;

Whereas World Intellectual Property Day provides an opportunity to reflect on how intellectual property touches all aspects of our lives: how copyright helps bring music to our ears and art, films, and literature before our eyes, how industrial design helps shape our world, how trademarks provide reliable signs of quality, and how patenting helps promote ingenious inventions that make life easier, faster, safer—and sometimes completely changes our way of living;

Whereas World Intellectual Property Day is an opportunity to encourage young people everywhere to recognize the creator, the problem-solver, and the artist within themselves, because the classrooms of today will produce the entrepreneurs, the scientists, the designers, and the artists of tomorrow;

Whereas the over-arching objectives for World Intellectual Property Day 2005 are to reach out to young people about the importance of intellectual property, to increase understanding of how protecting intellectual property rights helps foster creativity and innovation, and to raise awareness of the importance in daily life of patents, copyrights, trademarks, and designs;

Whereas April 26, 1970, was the date on which the Convention establishing the World Intellectual Property Organization entered into force;

Whereas in 2000, member states of the World Intellectual Property Organization established World Intellectual Property Day to celebrate the contribution made by innovators and artists to the development and growth of

societies across the globe and to highlight the importance and practical use of intellectual property in our daily lives; and

Whereas April 26, 2005, has been designated as World Intellectual Property Day as a time to celebrate the importance of intellectual property to the United States and world economy: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the goals of World Intellectual
3 Property Day to promote, inform, and teach the im-
4 portance of intellectual property as a tool for eco-
5 nomic, social, and cultural development;

6 (2) congratulates the World Intellectual Prop-
7 erty Organization for building awareness of the
8 value of intellectual property and developing the nec-
9 essary infrastructure to help citizens take full advan-
10 tage of their own creativity;

11 (3) applauds the ongoing contributions of
12 human creativity and intellectual property to growth
13 and innovation and for the key role they play in pro-
14 moting and ensuring a brighter and stronger future
15 for the Nation; and

16 (4) recognizes that intellectual property con-
17 tinues to face serious, new challenges, which affect
18 prospects for future growth of the United States
19 economy.

○

Chairman SENSENBRENNER. Anybody wish to make an opening statement on either side? Without objection, all opening statements will appear in the record.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE LAMAR SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND CHAIRMAN, SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY

The purpose of H. Res. 210 is to congratulate the World Intellectual Property Organization for its work and to support the goals of "World Intellectual Property Day," which include teaching the importance of intellectual property as a tool for economic, social, and cultural development.

WIPO is considered the most important international organization for the promotion of intellectual property.

Among other responsibilities, WIPO administers those treaties, such as the Berne and Paris conventions, that protect intellectual property globally. The United States is a WIPO Member.

Five years ago, WIPO member-states commemorated the founding of the organization by establishing "World Intellectual Property Day."

April 26, 1970, is the date on which the convention that created WIPO took effect. H. Res. 210 commemorates the achievements of WIPO and its designation of April 26, 2005, as "World Intellectual Property Day" for the current year.

I support the bill and I urge its adoption.

I yield back the balance of my time.

Chairman SENSENBRENNER. Are there amendments? Are there amendments? The gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. This is to H. Res. 210?

Mr. SCOTT. Oh, okay. [Laughter.]

Chairman SENSENBRENNER. Are there amendments to H. Res. 210 which relates to WIPO?

If there are no amendments a reporting quorum is not present, and without objection the previous question is ordered on the motion to report House Resolution 210 favorably. A vote will be taken when a reporting quorum appears.

[Intervening business.]

Chairman SENSENBRENNER. A reporting quorum is present. The question occurs on the motion to report House Resolution 210 favorably, upon which the previous question has been ordered. Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The motion to report favorably is agreed to. Without objection, the staff is directed to make any technical and conforming changes.

And all Members will be given 2 days as provided by the House rules in which to submit additional dissenting supplemental or minority views.

[Intervening business.]

Chairman SENSENBRENNER. The Committee stands adjourned.

[Whereupon, at 12:23 p.m., the Committee was adjourned.]